

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

LARRY SHAW, an individual,
Plaintiff,

vs.

COLUMBIA CASUALTY COMPANY, an
Illinois corporation,
Defendant.

Case No. _____

NOTICE OF REMOVAL

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that Defendant Columbia Casualty Company (“CCC” or “Defendant”) hereby removes to this Court, pursuant to 28 U.S.C. § 1441(b), the state court action described below:

1. On July 19, 2017, Plaintiff Larry Shaw (“Plaintiff”) filed a complaint in District Court of Clay County, Nebraska against Defendant for declaratory relief and violation of the Nebraska Unfair Claims Settlement Practices Act. The action is entitled *Larry Shaw v. Columbia Casualty Company*, Case No. D30C11700000035 (“the State Court Action”). True and correct copies of the Complaint, and all of the papers served upon Defendant in this action are attached as Exhibit “A.”

2. Defendant was served with a copy of the Complaint via certified mail on July 28, 2017. True and correct copies of the Summons and Service Return, and all of the papers served upon Defendant in this action are attached as Exhibits “B” and “C”.

3. This Notice of Removal in accordance with 28 U.S.C. 1446(b) is timely filed within thirty (30) days after receipt by or service on Defendant of the initial pleading or summons.

4. This is a civil action over which this Court has original jurisdiction under 28 U.S.C. § 1332(a)(1), and is one which may be removed to this Court pursuant to 28 U.S.C. § 1441(b) because it is a civil action between citizens of different states and the matter in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs.

5. Complete diversity exists pursuant to 28 U.S.C. §1332(c)(1). Plaintiff Larry Shaw is, and was at the time of the filing of the State Court Action, an individual and citizen of Nebraska. As correctly pleaded by Plaintiff, Defendant is, and was at the time of the filing of the State Court Action, an Illinois corporation. Defendant's principal place of business is in Chicago, Illinois.

6. Removal is properly made under 28 U.S.C. §1446(c)(2) because Plaintiff seeks to recover from Defendant in excess of the jurisdictional minimum. (Ex. A, Complaint, at ¶¶ 9, 17 and Prayer for Relief.)

7. The State Court action may be removed to this Court, pursuant to 28 U.S.C. §§1332, 1441, and 1446, as the "district . . . embracing the place where such action is pending."

8. A copy of this Notice of Removal is being served upon Plaintiff through his attorneys of record and upon the Clerk of the District Court of Clay County, Nebraska, as required by the provisions of 28 U.S.C. §1446(d). A true and correct copy of the related and corresponding Notice of Filing of Notice of Removal of Civil Action, which is to be filed in the State Court Action, is marked Exhibit D, attached (without exhibits) and by this reference made a part hereof.

9. Defendant requests trial of the above-entitled action in Omaha, Nebraska.

10. Defendant expressly reserves all defenses to Plaintiff's claims, including but not limited to all defenses based in contract, law, equity, statute, constitution, jurisdiction, or immunity, any other defense or avoidance, and does not waive any defenses by virtue of this removal.

WHEREFORE, Defendant request the State Court Action now pending in the District Court of Clay County, Nebraska, Case No. D30C1170000035, be removed for determination to the United States District Court for the District of Nebraska.

COLUMBIA CASUALTY COMPANY, Defendant

By: /s/ Gerald L. Friedrichsen
Gerald L. Friedrichsen (#15898)
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Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on this _____ day of _____, 2017, I filed the foregoing Notice of Removal with the Clerk of the Court and mailed a copy to the following via regular United States first-class mail, postage prepaid:

Robert M. Sullivan
747 N. Burlington Ave.
P.O. Box 309
Hastings, NE 68901

/s/ Gerald L. Friedrichsen
Gerald L. Friedrichsen